

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

F I L E D
JUL - 2 2013
CLERK'S OFFICE
U.S. DISTRICT COURT
ANN ARBOR, MI

In re: TERRY TROMBLEY
SOD FARMS, INC.,

Debtor.

Case No. 10-56451
Hon. Marci B. McIvor

_____/

TERRY TROMBLEY SOD FARMS, INC.
and AL TROMBLEY SOD FARMS, INC.,

Plaintiffs,

Adv. Proc. 12-05533

v.

THOMAS J. BUDZYNSKI, ESQ., and
KEITH D. BOWERS,

Dist. Ct. Case No. 12-14216
Hon. John Corbett O'Meara

Defendants.

**ORDER REFERRING MOTION
TO ABSTAIN TO BANKRUPTCY COURT**

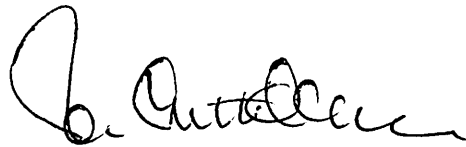
Before the court is Defendant Thomas J. Budzynski's motion to abstain or, in the alternative, withdraw the reference to bankruptcy court, which has been fully briefed. Defendant primarily argues that this court should abstain from exercising jurisdiction over the above-captioned adversary proceeding. Having reviewed the papers, the court is persuaded that it is most appropriate for the bankruptcy court to determine the question of abstention. See, e.g., Chrysler LLC v. Getrag Transmission Mfg. LLC, 2009 WL 799038 (E.D. Mich. Mar. 23, 2009) (bankruptcy court may determine issues of its jurisdiction and abstention); Tomassi v. MDS, Inc., 2013 WL 1636435 (W.D. Ky. Apr. 16, 2013) ("It should be within the bankruptcy court's province to rule on whether abstention is appropriate.") (citation omitted). See also L.R. 83.50.

This court will deny without prejudice Defendant's alternative argument to withdraw the reference, so that the bankruptcy court may determine the abstention issue in the first instance.

Accordingly, the court REFERS Defendant's motion to abstain to the Bankruptcy Court for the Eastern District of Michigan.

SO ORDERED.

Dated: July 2, 2013

A handwritten signature in black ink, appearing to read "John Corbett O'Meara", written over a horizontal line.

John Corbett O'Meara
United States District Judge